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38823 7590 10/31/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T BLS Intellectual Property, Inc. 600 GALLERIA PARKWAY SUITE 1500 ATLANTA, GA 30339			EXAMINER DENNISON, JERRY B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,626

Applicant(s)

KENT ET AL.

Examiner

J Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/14/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 10/685,626 received on 10/14/2003.
2. Claims 1-43 are presented for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 18-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
4. Claims 18-36 recite a computer-readable medium comprising computer-readable code.

Applicant's Specification states the following:

"In the context of this document, a **"computer-readable medium"** can be any means that can contain, store, communicate, propagate, or transport the program for use by or in connection with the instruction execution system, apparatus, or device. The computer-readable medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, device, or **propagation medium**. More specific examples (a nonexhaustive list) of the computer-readable medium would include the following: an electrical connection (electronic) having one or more wires, a portable computer diskette (magnetic), a random access memory (RAM) (electronic), a read-only memory (ROM) (electronic), an erasable programmable read-only memory (EPROM or Flash memory) (electronic), an optical fiber (optical), and a portable compact disc read-only memory (CDROM) (optical). Note that **the computer-readable medium could even be paper or another suitable medium upon which the program is printed**, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or otherwise processed in a suitable manner if necessary, and then stored in a computer memory."

5. As shown above, Applicant's Specification provides evidence that Applicant intends the "computer-readable medium" to include propagation/transmission mediums such as signals.

6. Signals used as computer readable media are not currently considered to be statutory subject matter since a signal encoded with functional descriptive material does not fall under any of the four statutory classes. See ANNEX IV "Computer-Related Nonstatutory Subject Matter", section (c) "Electro-Magnetic Signals" of the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", released 22 November 2005 in the Official Gazette ("Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101...These interim guidelines propose that such signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.").

7. As also shown above, Applicant's Specification provides evidence that Applicant intends the "computer-readable medium" to include printed matter.

M.P.E.P 2106.01 states,

"When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory and should be rejected under 35 U.S.C. 101. In addition, USPTO personnel

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should inquire whether there should be a rejection under 35 U.S.C. 102 or 103. USPTO personnel should determine whether the claimed nonfunctional descriptive material be given patentable weight. USPTO personnel must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983). USPTO personnel may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384, 217 USPQ at 403; see also Diehr, 450 U.S. at 191, 209 USPQ at 10. **However, USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate.** See In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004)."

8. Applicant's claimed "computer-readable medium comprising computer-readable code" clearly does not present a new and unobvious functional relationship between printed matter and the substrate.

Therefore, Appellant's inclusion of a piece of paper with the program printed thereon within the scope of "computer-readable medium" indicates the claims are sufficiently broad to read on non-functional descriptive material, per se, printed matter. Printed matter, which fails to be functionally interrelated to its substrate, has long been held to be non-statutory.

As such, claims 18-36 are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections

9. Claims 1-4, 13, 18-19, 28, 37, 39 are rejected in view of Applicant's admitted prior art ("AAPA"), specifically in view of the prior art instant messaging systems presented in the Background section of Applicant's Specification.

The Applicant described instant messaging systems with reference to Figures 1 and 2, which are provided as prior art figures. Therefore, the description provided in the background section in reference to these Figures are construed by the Examiner to constitute an admission of prior art and any subject matter associated with these descriptions are construed to be prior art applicable to the claims. See MPEP 2129 and *Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354, 66 USPQ2d 1331, 1337 (Fed Cir. 2003).

10. Regarding claims 1, 18, and 37, AAPA disclosed a communication method (see specification, on page 2, "IM communications are used for text messaging. Figs. 1 and 2 show examples of IM communications between a user and a contact, clearly implemented on networked computers), computer-readable medium, and system (see specification on page 2, "Instant messaging (IM) systems) comprising the steps of:

displaying instant messaging (IM) messages (see specification on page 2, lines 15-17, "This back-and-forth exchange of text messages is often displayed in a dialogue box 105 at an IM chat window; Fig. 2; displaying instant messages); and

selectively displaying a time indication, the time indication being indicative of a most-recently-displayed IM message (see specification on page 3, lines 18-20, "As shown in FIG. 2, when the option to display the time stamps is turned on, each text message 215 also displays a corresponding time stamp 225 adjacent to the text message 215").

11. Regarding claim 2, AAPA disclosed the limitations as described in claim 1, including wherein the step of displaying the IM messages comprises the steps of:
providing an IM dialogue box within an IM chat window (see specification on page 3, line 13, "dialogue box 105 at the IM chat window 100a); and
displaying the IM messages within the IM dialogue box (see specification on page 3, lines 12-13, "...text messages are often displayed to the user in a dialogue box").

12. Regarding claim 3, AAPA disclosed the limitations as described in claim 2, including wherein the step of selectively displaying the time indication comprises the step of:

selectively displaying the time indication in the IM dialogue box, the time indication being displayed adjacent to the most-recently-displayed IM message, the time indication being displayed in response to a triggering event (see specification on page 3, lines 18-19, "when the option to display the time stamps is on, each text message 215 also displays a corresponding time stamp 225 adjacent to the text message 215;

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lines 20-21, "the time stamps 225 show that the user typed a text message 215, the message being sent triggering the timestamp to be displayed).

13. Regarding claims 4 and 19, AAPA disclosed the limitations as described in claims 1 and 18, including wherein the step of selectively displaying the time indication comprises the steps of:

providing a status area within an IM chat window (see specification, Fig. 2, area 205); and

selectively displaying the time indication in the status area (see specification on page 3, lines 18-19 and Fig. 2 "when the option to display the time stamps is on, each text message 215 also displays a corresponding time stamp 225 adjacent to the text message 215").

14. Regarding claims 13, 28, and 39, AAPA disclosed a communication method (see specification, on page 2, "IM communications are used for text messaging. Figs. 1 and 2 show examples of IM communications between a user and a contact, clearly implemented on networked computers) and computer-readable medium, and system (see specification on page 2, "Instant messaging (IM) systems) comprising the steps of:

detecting a triggering event associated with an instant messaging (IM) chat session (see specification, page 3, lines 18-25, Fig. 2, triggering event being the receipt of an instant message, triggering the displaying of the message); and

displaying a visual indicator in response to the triggering event (see specification, page 3, lines 18-25, Fig. 2, visual indicator being the timestamp which is displayed with the instant message at the point of receipt).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 5-6, 20-21, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Isaacs et al. (U.S. 2006/0075056).

16. Regarding claims 5, 20, and 38, Isaacs disclosed an instant messaging method that allows a user to transmit instant messages to another user (see Abstract) that also provides tracking the presence of each user of the system, specifically, determining if a user remains in an "active" state, which means "the user has used an input device, such as a mouse or keyboard on the PC...within a predetermined amount of time" (Isaacs, page 6, [0051]). Isaacs also disclosed determining if a user changes to "idle" state, which means "the user has not used an input device for a predetermined amount of time, such as a few minutes or longer, depending on the preferences of the user"

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(Isaacs, page 6, [0051]). Isaacs also disclosed, users are able to determine their buddies' availability, i.e. whether they are active or idle, through the use of icons used to distinguish the different status (Isaacs, page 3, [0032]).

Therefore, when a first user of the system of Isaacs sends a first message to a second user, the second user displays the first instant message (displaying instant messages is inherent in instant messaging systems since the second user has to read the message). The second user also displays an "active" icon of the first user.

Within the embodiments of the references, when the first user is sending messages, the first user is in the "active" state. In order to determine if a user enters the "idle" state, the system would have to start calculating an elapsed time, and the calculating would have to start every time the user pauses from sending messages (i.e. once the user is done sending a message). If the user sends a second message before the predetermined amount of time is reached, the elapsed time would have to start over and the user's status remains in the "active" state.

If the user does not send a second message and the elapsed time reaches the predetermined amount of time, the user's status changes to "idle". Therefore Isaacs disclosed calculating an elapsed time from the displaying of the first message, as well as determining whether a second IM message has been displayed within the elapsed time (Isaacs, page 6, [0051]).

If a predetermined amount of time passes and the first user has not sent a second message, the status of the first user would change to "idle" and the second user's computer displays an indication showing the first user's "idle" status. Since the

indication is associated with the first user, and the first user sent the first message, then the indication is associated with the first message. Since the indication is based on an elapsed time, the indication is a time indication (Isaacs, page 3, [0032], page 6, [0051]).

Therefore, Isaacs disclosed displaying a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to determining that the second IM message has not been displayed within the elapsed time (Isaacs, page 6, [0051]).

Claim 20 includes a computer-readable medium with limitations that are substantially similar to claim 5. Claim 38 includes a communication system with the limitations that substantially similar to claim 5. Isaacs disclosed the teachings of the invention to include a system of one or more communications devices including PDA's (Isaacs, [0026], [0030]). Therefore claims 20 and 38 are rejected under the same rationale as claim 5.

17. Regarding claims 6 and 21, Isaacs disclosed the limitations as described in claims 5 and 20, including wherein the step of displaying the first IM message comprises the step of: providing an IM dialogue box within an IM chat window (Isaacs, [0024], sending a text instant message inherently includes the receiver to be able to display the text message in an instant message dialogue box within an IM chat window in order for the users to successfully be able to communicate via instant message); and displaying the first IM message within the IM dialogue box (Isaacs, [0024], [0057], Fig. 6, Message sender 600 sends message to message receiver 620, sending

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a text instant message inherently includes the receiver to be able to display the text message in an instant message dialogue box within an IM chat window in order for the users to successfully be able to communicate via instant message). Applicant's specification provides support showing instant messages are inherently provided in a dialogue box within an IM chat window (see specification on page 3, lines 12-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 7, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isaacs et al. (U.S. 2006/0075056).

19. Regarding claims 7 and 22, Isaacs disclosed the limitations as described in claims 6 and 21. Isaacs also disclosed each user device containing a list of buddies that provides each buddy's status and when one of the buddy's status changes, an indication is provided to the user (Isaacs, [0031]). Isaacs further disclosed the use of an icon to distinguish between when a user is in an "active" or in an "idle" state (Isaacs, [0032]).

While Isaacs disclosed using an icon within the instant messaging system, Isaacs did not explicitly state the icon being displayed within the IM dialogue box. In

fact, Isaacs did not explicitly state any specific location of where such icons are displayed. This provides basis for one of ordinary skill in the art to determine useful locations to display these icons.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the user status icon within the instant message dialogue box to provide for an easier manner in determining if a buddy's status changes while having a conversation box open with the buddy. Providing the icon within the instant message dialogue box provides the same result of notifying the user of the buddy's current status, while also not requiring the user to sift through their buddy list of users in order to locate the buddy, thereby providing a more efficient system of notifying users of the presence of buddies that they are currently in communication with.

20. Claims 8-12 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isaacs et al. (U.S. 2006/0075056) in view of AAPA.

21. Regarding claims 8 and 23, Isaacs disclosed the limitations as described in claims 5 and 20.

Isaacs did not explicitly state including computer-readable code adapted to instruct a programmable device to display a first visual delineator after the first IM message, the first visual delineator having a time associated with the first IM message.

In an analogous art, AAPA disclosed an instant messaging system that displays timestamps for each message (see Applicant's specification, Fig. 2, 225).

Isaacs disclosed an instant messaging system with indications showing the status of users. AAPA provides an instant messaging system that provides indications in the form timestamps that shows the times that messages were displayed. Applicant admits that such timestamps are obvious features of instant messaging systems that were well known at the time of the invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate timestamps into the instant messaging system of Isaacs to provide the users of Isaacs with the ability to not only determine the status of their buddies, but also to be able to see the time at which each message was sent or displayed to the user and the contact, thereby increasing knowledge of communications between users.

22. Regarding claims 9 and 24, Isaacs disclosed the limitations as described in claims 5 and 20. Isaacs did not explicitly state:

displaying a second IM message after the elapsed time;

displaying a second time indication, the second time indication being associated with the second IM message, the second time indication being indicative of the elapsed time between the first IM message and the second IM message.

In an analogous art, AAPA disclosed an instant messaging system that displays timestamps for each message (see Applicant's specification, Fig. 2, 225). As shown in Figure 2, a first message was displayed with a first timestamp of 9:22. The second message was displayed with a second timestamp of 9:23. It is obvious to one of

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ordinary skill in the art at the time the invention was made that the second timestamp is indicative of the elapsed time between the first message and the second message, which is one minute.

Isaacs disclosed an instant messaging system with indications showing the status of users. AAPA provides an instant messaging system that provides indications in the form timestamps that shows the times that messages were displayed. Applicant admits that such timestamps are obvious features of instant messaging systems that were well known at the time of the invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate timestamps into the instant messaging system of Isaacs to provide the users of Isaacs with the ability to not only determine the status of their buddies, but also to be able to see the time at which each message was sent or displayed to the user and the contact, thereby increasing knowledge of communications between users.

23. Regarding claims 10 and 25, Isaacs and AAPA disclosed the limitations as described in claims 9 and 24, including wherein the step of displaying the second time indication comprises the step of:

displaying a second visual delineator before the second IM message, the second visual delineator having a time associated with the second IM message (AAPA, see Applicant's specification, Fig. 2, second message has the second timestamp before it). See motivation above.

24. Regarding claims 11 and 26, Isaacs and AAPA disclosed the limitations as described in claims 10 and 25, including wherein the step of displaying the second visual delineator comprises the steps of providing an IM dialogue box within an IM chat window; and displaying the second visual delineator in the IM dialogue box (AAPA, see Applicant's specification, Fig 2, messages and timestamps displayed within an IM dialogue box within an IM chat window). See motivation above.

25. Regarding claim 12 and 27, Isaacs and AAPA disclosed the limitations as described in claims 11 and 26, further comprising the steps of: providing a status area within the IM chat window, the status area being distinct from the IM dialogue box (AAPA, see specification, Fig. 2, areas above and below item 205); and selectively displaying a most-recently-displayed IM time in the IM dialogue box, the most-recently-displayed IM time being associated with the most-recently-displayed IM message (AAPA, see specification, Fig. 2, 205 shows a list of the instant messages with the timestamps, the most recently displayed having the newest timestamp). See motivation above.

26. Claims 14-17, 29-36, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Isaacs et al. (U.S. 2006/0075056).

27. Regarding claims 14, 29 and 40, AAPA disclosed the limitations as described in claims 13, 28, and 39, including wherein the step of detecting the triggering event comprises detecting an initiation of a chat session (AAPA, see specification, page 3, lines 18-25, Fig. 2, initiation of a chat session being the first instant message received, shown by Fig. 2 at 09:22);

AAPA did not explicitly state detecting a predefined period of inactivity; and detecting continued activity after a predefined period of inactivity.

In an analogous art, Isaacs disclosed an instant messaging system that provides users with the status of their buddies (Isaacs, [0032]). Isaacs disclosed a user may select one or more instant messages for transmission to one or more other users, clearly requiring the detection of a chat session on either end (Isaacs, see Abstract) thereby showing communication between a user and a buddy.

Isaacs also disclosed determining when a user's status becomes "idle" by detecting the user has been inactive for a predetermined amount of time (Isaacs, [0032], [0050]), thereby disclosing detecting a predefined period of inactivity.

Isaacs also disclosed "users may be alerted as to the state change of other users in the system, such as when a certain user becomes 'active'", thereby a user's status changing from "idle" to "active" showing detecting continued activity (Isaacs, [0032], [0050])

AAPA disclosed an instant messaging system that provides indications for when instant messages are displayed. Isaacs provides further features in an instant messaging system by providing indications showing the status of users in the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the status indicators of Isaacs into the instant messaging system of AAPA to not only provide users with the times that instant messages are sent by users, but also to provide further indications of whether users are active or not in order to communicate with such users, thereby providing the users with a system for communicating in a quick and efficient manner while also allowing them to keep track of their buddies so that communications are sent to users while they are at "active" status and the communications are not lost in the network (Isaacs, [0006]).

28. Regarding claims 15, 30, and 41, AAPA and Isaacs disclosed the limitations as described in claims 14, 29, and 40, including wherein the step of displaying the visual indicator comprises the step of:

displaying an initial IM time indication, the initial IM time indication being indicative of a start time of the IM chat session (see Applicant's specification, Fig. 2, first instant message which has an initial time indication of 9:22). See motivation above.

29. Regarding claim 16, AAPA and Isaacs disclosed the limitations as described in claim 14, including wherein the step of displaying the visual indicator comprises the step of: displaying an inactivity IM time indication, the inactivity IM time indication being indicative of an onset of inactivity during the IM chat session.

(Isaacs, [0032], [0050], Isaacs disclosed determining when a user's status becomes "idle" by detecting the user has been inactive for a predetermined amount of

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time; Isaacs also disclosed, users are able to determine their buddies' availability, i.e. whether they are active or idle, through the use of icons used to distinguish the different status). See motivation above.

30. Regarding claim 17, AAPA and Isaacs disclosed the limitations as described in claim 14, including wherein the step of displaying the time indication comprises the step of: displaying a continued-activity IM time indication, the continued-activity IM time indication being indicative of a time at which the IM chat session continues after an onset of inactivity (AAPA Fig. 2, timestamp). See motivation above.

31. Regarding claim 31, AAPA disclosed the limitations as described in claim 28, AAPA did not explicitly state including computer-readable code adapted to instruct a programmable device to detect a predefined period of inactivity.

32. In an analogous art, Isaacs disclosed an instant messaging system that provides users with the status of their buddies (Isaacs, [0032]). Isaacs also disclosed determining if a user changes to "idle" state, which means "the user has not used an input device for a predetermined amount of time, such as a few minutes or longer, depending on the preferences of the user" (Isaacs, page 6, [0051]). Isaacs also disclosed, users are able to determine their buddies' availability, i.e. whether they are active or idle, through the use of icons used to distinguish the different status (Isaacs, page 3, [0032]). Therefore, Isaacs disclosed detecting a predefined period of inactivity when a user does not use his communication device for a period of time.

Isaacs also disclosed determining when a user's status becomes "idle" by detecting the user has been inactive for a predetermined amount of time (Isaacs, [0032], [0050]), thereby disclosing detecting a predefined period of inactivity.

Isaacs also disclosed "users may be alerted as to the state change of other users in the system, such as when a certain user becomes 'active'", thereby a user's status changing from "idle" to "active" showing detecting continued activity (Isaacs, [0032], [0050])

AAPA disclosed an instant messaging system that provides indications for when instant messages are displayed. Isaacs provides further features in an instant messaging system by providing indications showing the status of users in the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the status indicators of Isaacs into the instant messaging system of AAPA to not only provide users with the times that instant messages are sent by users, but also to provide further indications of whether users are active or not in order to communicate with such users, thereby providing the users with a system for communicating in a quick and efficient manner while also allowing them to keep track of their buddies so that communications are sent to users while they are at "active" status and the communications are not lost in the network (Isaacs, [0006]).

33. Regarding claim 32, AAPA and Isaacs disclosed the limitations as described in claim 31, including computer-readable code adapted to instruct a programmable device to display an inactivity IM time indication, the inactivity IM time indication being

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indicative of an onset of inactivity during the IM chat session (Isaacs, [0032], [0050], Isaacs also disclosed determining when a user's status becomes "idle" by detecting the user has been inactive for a predetermined amount of time, If the buddy is in an IM communication with the user, and his status changes to idle, the icon is an indication is an IM time indication that indicates inactivity during the IM chat session). See motivation above.

34. Regarding claim 33, AAPA and Isaacs disclosed the limitations as described in claim 28, including computer-readable code adapted to instruct a programmable device to detect continued activity after a predefined period of inactivity activity (Isaacs, [0032], [0050], Isaacs also disclosed "users may be alerted as to the state change of other users in the system, such as when a certain user becomes 'active'", thereby a user's status changing from "idle" to "active" showing detecting continued).

AAPA disclosed an instant messaging system that provides indications for when instant messages are displayed. Isaacs provides further features in an instant messaging system by providing indications showing the status of users in the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the status indicators of Isaacs into the instant messaging system of AAPA to not only provide users with the times that instant messages are sent by users, but also to provide further indications of whether users are active or not in order to communicate with such users, thereby providing the users with a system for communicating in a quick and efficient manner while also allowing them to

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keep track of their buddies so that communications are sent to users while they are at “active” status and the communications are not lost in the network (Isaacs, [0006]).

35. Regarding claim 34, AAPA and Isaacs disclosed the limitations as described in claim 33, including computer-readable code adapted to instruct a programmable device to display a continued-activity IM time indication, the continued-activity IM time indication being indicative of a time at which the IM chat session continues after an onset of inactivity (AAPA Fig. 2, timestamp). See motivation above.

36. Regarding claim 35, AAPA and Isaacs disclosed the limitations as described in claim 29, including computer-readable code adapted to instruct a programmable device to display an inactivity IM time indication, the inactivity IM time indication being indicative of an onset of inactivity during the IM chat session (AAPA Fig. 2, timestamp). See motivation above.

37. Regarding claim 36, AAPA and Isaacs disclosed the limitations as described in claim 29, including: computer-readable code adapted to instruct a programmable device to display a continued-activity IM time indication, the continued-activity IM time indication being indicative of a time at which the IM chat session continues after an onset of inactivity (AAPA Fig. 2, timestamp). See motivation above.

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38. Regarding claim 42, AAPA and Isaacs disclosed the limitations as described in claim 40, including wherein the display logic comprises: inactivity-time-display logic configured to display an inactivity IM time indication, the inactivity IM time indication being indicative of an onset of inactivity during the IM chat session (Isaacs, [0032], [0050], Isaacs also disclosed determining when a user's status becomes "idle" by detecting the user has been inactive for a predetermined amount of time, If the buddy is in an IM communication with the user, and his status changes to idle, the icon is an indication is an IM time indication that indicates inactivity during the IM chat session). See motivation above.

39. Regarding claim 43, AAPA and Isaacs disclosed the limitations as described in claim 40, including wherein the display logic comprises: continued-activity-time-display logic configured to display a continued-activity IM time indication, the continued-activity IM time indication being indicative of a time at which the IM chat session continues after an onset of inactivity (AAPA Fig. 2, timestamp).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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J. Bret Dennison
Patent Examiner
Art Unit 2143

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


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FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, etc.)*

	A	M. Day, et al.; Title: A Model for Presence and Instant Messaging; February 2000; pages 1-17
	B	Title: Extensible Markup Language (XML) 1.0 (Second Edition – W3C Recommendation 6 October 2000; Copyright 2000 W3C; pages 1-59
	C	M. Day, et al.; Title: Instant Messaging / Presence Protocol Requirements; February 2000; pages 1-26
	D	www.jabber.org; Webpage title: Jabber Software Foundation: Open Instant Messaging Powered by XMPP; date Printed: April 23, 2003; pages 1-3
	E	www.ceruleanstudios.com/trillian/features-1.html; Webpage title: Trillian>Features Tour, including Interface Overview, Messaging Enhancements, Connect to 5 Mediums, Features Tour; 9 pages 4/23/2003
	F	P. Saint-Andre, et al.; Title: XMPP Instant Messaging – draft-ietf-xmpp-im-12; June 4, 2003; pages 1-88

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